

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**LINDA GUINYARD**  
*Plaintiff,*

vs.

**RANDALL'S FOOD & DRUGS, LP**  
*Defendant.*

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**Civil Action No. 4:22-CV-219**

**EXHIBIT A – INDEX OF MATTERS BEING FILED**

TAB	DATE	DOCUMENT
1	na	State Court Registry of Actions
2	2/22/2022	Plaintiff's Original Petition with Request for Service
3	2/23/2022	Citations Issued
4	3/1/2022	Returns of Service Filed
5	3/18/2022	Defendant's Original Answer

Respectfully submitted,

By: /s/ Trek Doyle

Trek Doyle

State Bar No. 00790608

[trek@doyleseelbach.com](mailto:trek@doyleseelbach.com)

Ryan Hecht

State Bar No. 24120281

[ryanh@doyleseelbach.com](mailto:ryanh@doyleseelbach.com)

Doyle & Seelbach PLLC

7700 W. Highway 71, Ste. 250

Austin, Texas 78735

512.960.4890 phone

[doyleseelbach.com](http://doyleseelbach.com)

*ATTORNEYS FOR DEFENDANT  
RANDALLS FOOD & DRUGS, LP*



Doyle & Seelbach

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 25th day of March 2022.

Gabriel A. Gonzalez  
State Bar No. 24103735  
Schechter, Shaffer & Harris, LLP  
3200 Travis, 3<sup>rd</sup> Floor  
Houston, Texas 77006  
713.524.3500 telephone  
866.757.1011 fax  
[ggonzalez@smslegal.com](mailto:ggonzalez@smslegal.com)

*ATTORNEYS FOR PLAINTIFF*

**EXHIBIT A**

Case 4:22-cv-00219-O Document 1-1 Filed 03/25/22 Page 3 of 36 PageID 8

**Case Information****LINDA GURNYARD VS. THE ALBERTSONS COMPANIES INC**

067-332077-22

Location

Tarrant Count - District Clerk

Case Category

Civil - Injury or Damage

Case Type

Other Injury or Damage

Case Filed Date

2/22/2022

**Parties** 8

Type	Name	Attorneys
Plaintiff	LINDA GURNYARD	GABRIEL A GONZALEZ
Defendant	THE ALBERTSONS COMPANIES INC	
Defendant	THE ALBERTSONS LLC	
Defendant	THE RANDALL PROPERTIES INC	
Defendant	THE RANDALLS FOOD & DRUGS LP	
Defendant	THE RANDALLS FOOD MARKETS INC	
Defendant	THE SAFEWAY INC	
Doing Business As	THE TOM THUMB	

**Events** 8

Date	Event	Type	Comments	Documents
2/22/2022	Filing	Petition	Plaintiff's Original Petition and Request for Disclosure	02-22-22 Civil Process Requests (Gurnyard L).pdf, 02-22-22 OP&D (Gurnyard L).pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE TO RANDALLS FOOD & DRUGS LP	067-332077-22 ROS_ RANDALLS FOOD & DRUGS LP.pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE TO SAFEWAY INC	067-332077-22 ROS SAFEWAY INC.pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE TO ALBERTSONS LLC	067-332077-22 ROS_ALBERTSONS LLC.pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE TO ALBERTSONS COMPANIES INC	067-332077-22 ROS_ALBERTSONS COMPANIES LLC.pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE TO RANDALLS FOOD MARKETS INC	067-332077-22 ROS_ RANDALL FOOD MARKETS INC.pdf
3/1/2022	Filing	No Fee Documents	RETURN OF SERVICE RANDALL PROPERTIES INC	067-332077-22 ROS_ RANDALL PROPERTIES INC.pdf
3/18/2022	Filing	Answer/Response	Defendants' Original Answer	2022.03.18 - Defendants' Original Answer (Guinyard).pdf

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Version: 2022.2.0.10061



EXHIBIT A  
CAUSE NO. 067-332077-22

FILED  
TARRANT COUNTY  
2/22/2022 11:00 AM  
THOMAS A. WILDER  
DISTRICT CLERK

LINDA GURNYARD	§	IN THE DISTRICT COURT OF
	§	
VS.	§	
	§	
ALBERTSONS COMPANIES, INC.,	§	
ALBERTSONS, LLC, RANDALL'S FOOD	§	TARRANT COUNTY, TEXAS
& DRUGS, LP, RANDALL'S FOOD	§	
MARKETS, INC., RANDALL	§	
PROPERTIES, INC, and	§	
SAFEWAY, INC. D/B/A/ TOM THUMB	§	JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOURSE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, LINDA GURNYARD, hereinafter referred to as Plaintiff, complaining of, ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC, RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD MARKETS, INC., RANDALL PROPERTIES, INC., and SAFEWAY, INC. D/B/A TOM THUMB, hereinafter referred to as Defendants, and for cause of action would respectfully show unto this Honorable Court as follows:

**I. DISCOVERY CONTROL PLAN**

Plaintiff requests discovery be conducted under Level 3 as set forth in the Texas Rules of Civil procedure.

**II. VENUE**

Plaintiff is an individual residing in Fort Worth, Tarrant County, Texas.

Defendant ALBERTSONS COMPANIES, INC. is a corporation doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201.

**Please issue citation of service for this defendant at this time.**

Defendant ALBERTSONS, LLC is a corporation doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201. **Please issue citation of service for this defendant at this time.**

Defendant RANDALL'S FOOD & DRUGS, LP is a Limited Partnership (corporation) doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201. **Please issue citation of service for this defendant at this time.**

Defendant RANDALL's FOOD MARKETS, INC. is a corporation doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201. **Please issue citation of service for this defendant at this time.**

Defendant RANDALL PROPERTIES, INC. is a corporation doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201. **Please issue citation of service for this defendant at this time.**

Defendant SAFEWAY, INC. D/B/A TOM THUMB is a corporation doing business in Tarrant County, Texas. This Defendant may be served with due process here in by serving its registered agent CT Corporation System, at 1999 Bryan Street, Ste. 900, Dallas, TX 75201. **Please issue citation of service for this defendant at this time.**

Venue is proper in Tarrant County, Texas because all or a substantial part of the events or omissions giving rise to this cause of action occurred in Tarrant County, Texas.

### **III. FACTS**

On or about April 02, 2020, Plaintiff, LINDA GURNYARD, was employed by Defendants ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC, RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD MARKETS, INC., RANDALL PROPERTIES, INC., and SAFEWAY, INC. D/B/A TOM THUMB. While working on this day at 3100 S Hulen St., Fort Worth, Texas 76109, Plaintiff was on the property attending to company delivery vehicles. As Plaintiff was re-entering the building, an unattended metal rod was exposed, causing Plaintiff to trip and fall. As a result of a dangerous work environment provided by the Defendants, the Plaintiff fell and suffered bodily injuries.

### **IV. CAUSES OF ACTION**

Defendants are the owners of the establishment in question. The Defendants thus created and provided an unreasonably dangerous condition by negligently failing to inspect and maintain areas to which employees are to work. Defendants were negligent in their management of the employee and company parking area, which lead to tripping and falling, and thus bodily injuries. Defendants knew or should have known that the area provided to employees, created an unreasonably dangerous condition, failed to adequately warn Plaintiff of the condition, and failed to remedy the condition proximately causing injuries to the Plaintiff. This negligence of Defendants was the proximate cause of Plaintiff's injuries.

Each of these acts and omissions, singularly or in combination with others constitute negligence and negligence per se, which proximately caused the occurrence made the basis of this action for the injuries and damages to Plaintiff.

### **V. DAMAGES**

As a direct and proximate result of the negligence of Defendants, Plaintiff has suffered

injuries to her neck, back, foot, and other parts of her body. These injuries incurred by Plaintiff have caused her to suffer injuries and damages in the past which, in all probability, will continue into the future, including:

- a) Physical pain and suffering and mental anguish, in the past and into the future;
- b) Reasonable and necessary expenses for medical care in the past and future;
- c) Disfigurement in the past and future;
- d) Physical impairment in the past and future; and
- e) Loss of earning capacity in the past and future.

Plaintiff's damages were proximately caused by the negligence of Defendants.

To the extent that Plaintiff had any pre-existing condition at the time of the occurrence in question, the same was not disabling, and she would respectfully show that such pre-existing condition, if any, was aggravated by the incident.

Plaintiff's damages are in excess of the minimum jurisdictional limits of this Court.

Plaintiff seeks damages in an amount to be determined by the jury in this cause in excess of the minimal jurisdictional limits of this court.

In accordance with Texas Rules of Civil Procedure, Plaintiff specifically seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00.

## **VI. NOTICE**

Plaintiff hereby gives notice of intent to utilize items produced in discovery in the trial of this matter and the authenticity of such items is self-proven per the *Texas Rules of Civil Procedure* 193.7

## **VII. REQUEST FOR DISCLOSURE**

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Plaintiff requests disclosure, at

or within thirty (30) days after the filing of the first answer, the information or material described in Rule 194.2 (a) – (b12) of the Texas Rules of Civil Procedure.

### **VIII. JURY DEMAND**

Plaintiff demands a jury trial and has tendered the appropriate fee.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, LINDA GURNYARD requests that Defendants, ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC, RANDALL’S FOOD & DRUGS, LP, RANDALL’S FOOD MARKETS, INC., RANDALL PROPERTIES, INC., and SAFEWAY, INC. D/B/A TOM THUMB, be cited to appear and answer herein, and that upon final trial thereof, Plaintiff have judgment against Defendants, jointly and severally, for an amount in excess of the jurisdictional limits of this Court, together with pre-judgment and post-judgment interest, costs of court and for such other and further relief to which Plaintiff may show herself justly entitled.

SCHECHTER, SHAFFER & HARRIS, L.L.P.

/s/ Gabriel A. Gonzalez

GABRIEL A. GONZALEZ

Texas State Bar #24103735

3200 Travis, 3rd Floor

Houston, Texas 77006

Tel: 713 524 3500

Fax: 866 757 1011

ggonzalez@smslegal.com

ATTORNEYS FOR PLAINTIFF



**EXHIBIT A****Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Gabriel Gonzalez  
Bar No. 24103735  
ggonzalez@smslegal.com  
Envelope ID: 61956367  
Status as of 2/22/2022 12:08 PM CST

Associated Case Party: Linda Gurnyard

Name	BarNumber	Email	TimestampSubmitted	Status
Gabriel Gonzalez	24103735	ggonzalez@smslegal.com	2/22/2022 11:00:17 AM	SENT

**EXHIBIT A**  
**CIVIL PROCESS REQUEST**

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

067-332077-22

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): \_\_\_\_\_

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Albertsons Companies, Inc.

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain \_\_\_\_\_

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2. NAME: Albertsons, LLC

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): out-of-county citaiton

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☒ OTHER, explain Please email to attorney's email address

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: \_\_\_\_\_ TEXAS BAR NO./ID NO. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
area code phone number area code fax number

EMAIL ADDRESS: \_\_\_\_\_

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**CIVIL PROCESS REQUEST**

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TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): \_\_\_\_\_

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Randall's Food & Drugs, LP

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☐ OTHER, explain \_\_\_\_\_

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2. NAME: Randall's Food Markets, Inc.

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): out-of-county citaiton

SERVICE BY (check one):

☐ ATTORNEY PICK-UP ☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_

☐ MAIL ☐ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication: ☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_

☒ OTHER, explain Please email to attorney's email address

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: \_\_\_\_\_ TEXAS BAR NO./ID NO. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
area code phone number area code fax number

EMAIL ADDRESS: \_\_\_\_\_

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CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): \_\_\_\_\_

FILE DATE OF MOTION: \_\_\_\_\_  
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: Randall's Properties, Inc.

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain \_\_\_\_\_

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2. NAME: Safeway, Inc. d/b/a Tom Thumb

ADDRESS: 1999 Bryan Street, Ste. 900, Dallas, TX 75201

AGENT, (if applicable): CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): out-of-county citaiton

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_  
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☒ OTHER, explain Please email to attorney's email address

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NAME: \_\_\_\_\_ TEXAS BAR NO./ID NO. \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
area code phone number area code fax number

EMAIL ADDRESS: \_\_\_\_\_

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD  
VS.  
ALBERTSONS COMPANIES, INC., ET AL

TO: ALBERTSONS LLC

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 67th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against

ALBERTSONS COMPANIES INC, ALBERTSONS LLC, RANDALLS FOOD &amp; DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB

For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 23rd day of February, 2022.

By

*Natalie Higpen*

NATALIE HIGPEN



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Higpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000006\*

Received this Citation on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M, and executed at \_\_\_\_\_ within the county of \_\_\_\_\_ State of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M on the \_\_\_\_\_ day of \_\_\_\_\_ by delivering to the within named (Defendant(s)), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_

By \_\_\_\_\_

Deputy

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to certify which witness my hand and seal of office

(Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_

EXHIBIT A

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000006\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen



CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Feb 23, 2022, 3:11 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 12:46 PM on Fri, Feb 25 2022, by delivering a true copy to the within named

ALBERTSONS, LLC BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM BY DELIVERING TO KIRK ATKINS, SOP INTAKE

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is JayKob McArter, my date of birth is 08-04-2000, and my address is 4425 W AIRPORT FWY SUITE 352, IRVING, TX 75062, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter  
PSC-20627 EXP: 11/30/2023

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD  
VS.  
ALBERTSON'S COMPANIES, INC., ET AL

TO: ALBERTSON'S COMPANIES INC

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

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LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against

ALBERTSON'S COMPANIES INC, ALBERTSON'S LLC, RANDALLS FOOD &amp; DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB

For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 23rd day of February, 2022.

By

*Natalie Thigpen*

NATALIE THIGPEN



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

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Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000005\*

Received this Citation on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M; and executed at \_\_\_\_\_ within the county of \_\_\_\_\_ State of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by delivering to the within named (Def.): \_\_\_\_\_ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_

Deputy \_\_\_\_\_

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to certify which witness my hand and seal of office.

(Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_



EXHIBIT A

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000005\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
By: /s/ Natalie Thigpen

CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Feb 23, 2022, 3:11 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 12:46 PM on Fri, Feb 25 2022, by delivering a true copy to the within named

ALBERTSONS COMPANIES INC BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM BY  
DELIVERING TO KIRK ATKINS, SOP INTAKE

In person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is JayKob McArter, my date of birth is 08-04-2000, and my address is 4425 W AIRPORT FWY SUITE 352, IRVING, TX 75062, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter  
PSC-20627 EXP: 11/30/2023

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC., ET AL

TO: RANDALLS FOOD &amp; DRUGS LP

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 67th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against

ALBERTSONS COMPANIES INC, ALBERTSONS LLC, RANDALLS FOOD &amp; DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB

For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort worth, this the 23rd day of February, 2022.

By



NATALIE THIGPEN



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000007\*

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Authorized Person/Constable/Sheriff:

County of \_\_\_\_\_

State of \_\_\_\_\_

By \_\_\_\_\_

Deputy

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

Signed and sworn to by the said \_\_\_\_\_ to certify which witness my hand and seal of office (Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_

**AFFIDAVIT  
ATTACHED**

Must be verified if served outside the State of Texas)

before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000007\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Feb 23, 2022, 3:11 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 12:46 PM on Fri, Feb 25 2022, by delivering a true copy to the within named

RANDALL'S FOOD & DRUGS, LP BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM BY  
DELIVERING TO KIRK ATKINS, SOP INTAKE

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is JayKob McArter, my date of birth is 08-04-2000, and my address is 4425 W AIRPORT FWY SUITE 352, IRVING, TX 75062, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter  
PSC-20627 EXP: 11/30/2023

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD  
VS.  
ALBERTSON'S COMPANIES, INC., ET AL

TO: RANDALL PROPERTIES INC

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 67th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against

ALBERTSON'S COMPANIES INC, ALBERTSON'S LLC, RANDALLS FOOD &amp; DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB

For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 23rd day of February, 2022.

By

Natalie Thigpen

NATALIE THIGPEN



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM, on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000009\*

Received this Citation on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and executed at \_\_\_\_\_ within the county of \_\_\_\_\_, State of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by delivering to the within named (Def.): \_\_\_\_\_ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: \_\_\_\_\_

County of \_\_\_\_\_ State of \_\_\_\_\_ By \_\_\_\_\_ Deputy

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_ (Must be verified if served outside the State of Texas)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,

to certify which witness my hand and seal of office

(Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_

EXHIBIT A

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000009\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/24/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen



CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Feb 23, 2022, 3:11 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 12:46 PM on Fri, Feb 25 2022, by delivering a true copy to the within named

RANDALL PROPERTIES, INC BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM BY DELIVERING  
TO KIRK ATKINS, SOP INTAKE

In person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is JayKob McArter, my date of birth is 08-04-2000, and my address is 4425 W AIRPORT FWY SUITE 352, IRVING, TX 75062, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter  
PSC-20627 EXP: 11/30/2023



THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD  
VS.  
ALBERTSONS COMPANIES, INC., ET AL

TO: RANDALLS FOOD MARKETS INC

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 67th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against  
ALBERTSONS COMPANIES INC, ALBERTSONS LLC, RANDALLS FOOD & DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB  
For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 23rd day of February, 2022.

By

*Natalie Thigpen*

NATALIE THIGPEN



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: Jol Natalie Thigpen

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Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000008\*

Received this Citation on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M, and executed at \_\_\_\_\_ within the county of \_\_\_\_\_, State of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M on the \_\_\_\_\_ day of \_\_\_\_\_, by delivering to the within named (Def.): \_\_\_\_\_ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_

By \_\_\_\_\_

Deputy \_\_\_\_\_

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

(Must be verified if served outside the State of Texas)

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_,

to certify which witness my hand and seal of office \_\_\_\_\_

(Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_

**AFFIDAVIT**  
**ATTACHED**

EXHIBIT A

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000008\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

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DELIVERING TO KIRK ATKINS, SOP INTAKE

In person, having first endorsed the date of delivery on same.

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Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter

PSC-20627 EXP: 11/30/2023

THE STATE OF TEXAS  
DISTRICT COURT, TARRANT COUNTY

## CITATION

Cause No. 067-332077-22

LINDA GURNYARD  
VS.  
ALBERTSON'S COMPANIES, INC., ET ALTO: SAFEWAY INC  
D/B/A TOM THUMB

B/S REG AGENT-CT CORPORATION SYSTEM 1999 BRYAN ST STE 900 DALLAS, TX 75201-

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LINDA GURNYARD

Filed in said Court on February 22nd, 2022 Against

ALBERTSON'S COMPANIES INC, ALBERTSON'S LLC, RANDALLS FOOD &amp; DRUGS LP, RANDALLS FOOD MARKETS INC, RANDALL PROPERTIES INC, SAFEWAY INC, D/B/A TOM THUMB

For suit, said suit being numbered 067-332077-22 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE a copy of which accompanies this citation.

GABRIEL A GONZALEZ

Attorney for LINDA GURNYARD Phone No. (713)524-3500

Address 3200 TRAVIS 3RD FL HOUSTON, TX 77006

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 23rd day of February, 2022.

By

*Natalie Thigpen*  
NATALIE THIGPENA CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

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Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

## OFFICER'S RETURN \*06733207722000010\*

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Authorized Person/Constable/Sheriff: \_\_\_\_\_

County of \_\_\_\_\_

State of \_\_\_\_\_

By \_\_\_\_\_

Deputy

Fees \$ \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

Signed and sworn to by the said \_\_\_\_\_ before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to certify which witness my hand and seal of office

(Seal)

County of \_\_\_\_\_, State of \_\_\_\_\_

AFFIDAVIT  
ATTACHED



EXHIBIT A

*CITATION*

Cause No. 067-332077-22

LINDA GURNYARD

VS.

ALBERTSONS COMPANIES, INC.,  
ET AL

ISSUED

This 23rd day of February, 2022

Thomas A. Wilder  
Tarrant County District Clerk  
100 N CALHOUN  
FORT WORTH TX 76196-0402

By NATALIE THIGPEN Deputy

GABRIEL A GONZALEZ  
Attorney for: LINDA GURNYARD  
Phone No. (713)524-3500  
ADDRESS: 3200 TRAVIS 3RD FL

HOUSTON, TX 77006

*CIVIL LAW*



\*06733207722000010\*

SERVICE FEES NOT COLLECTED  
BY TARRANT COUNTY DISTRICT CLERK  
ORIGINAL



A CERTIFIED COPY  
ATTEST: 02/23/2022  
THOMAS A. WILDER  
DISTRICT CLERK  
TARRANT COUNTY, TEXAS  
BY: /s/ Natalie Thigpen

CAUSE NO. 067-332077-22

LINDA GURNYARD

Plaintiff,

VS.

ALBERTSONS COMPANIES, INC., ALBERTSONS, LLC,  
RANDALL'S FOOD & DRUGS, LP, RANDALL'S FOOD  
MARKETS, INC., RANDALL PROPERTIES, INC, AND  
SAFEWAY, INC. D/B/A/ TOM THUMB

Defendant.

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IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

"The following came to hand on Feb 23, 2022, 3:11 pm,

CITATION, PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE

and was executed at 1999 BRYAN ST SUITE 900, DALLAS, TX 75201 within the county of DALLAS at 12:46 PM on Fri, Feb 25 2022, by delivering a true copy to the within named

SAFEWAY, INC. D/B/A/ TOM THUMB BY DELIVERING TO ITS REGISTERED AGENT CT CORPORATION SYSTEM BY  
DELIVERING TO KIRK ATKINS, SOP INTAKE

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is JayKob McArter, my date of birth is 08-04-2000, and my address is 4425 W AIRPORT FWY SUITE 352, IRVING, TX 75062, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in DALLAS County, State of TX, on February 25, 2022.



JayKob McArter  
PSC-20627 EXP: 11/30/2023

067-332077-22

FILED  
TARRANT COUNTY  
3/18/2022 5:05 PM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 067-332077-22

LINDA GURNYARD,	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
VS.	§	OF TARRANT COUNTY TEXAS
	§	
ALBERTSONS COMPANIES, INC,	§	
ALBERTSONS, LLC, RANDALL'S	§	
FOOD & DRUGS, LP, RANDALL'S	§	
FOOD MARKETS, INC., RANDALL	§	
PROPERTIES, INC AND SAFEWAY,	§	
INC., D/B/A TOM THUMB,	§	
<i>Defendant.</i>	§	67TH JUDICIAL DISTRICT

**DEFENDANTS' ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES**

Defendants ALBERTSONS COMPANIES, INC; ALBERTSONS, LLC; RANDALL'S FOOD & DRUGS, LP; RANDALL'S FOOD MARKETS, INC.; RANDALL PROPERTIES, INC., AND SAFEWAY, INC., d/b/a TOM THUMB; ("Defendants") hereby submit their Original Answer to Plaintiff's Original Petition and would show as follows:

**GENERAL DENIAL**

1. Without waiving any other defenses Defendants may have or hereafter come to have or urge, Defendants generally deny each and every material allegation in Plaintiff's Original Petition (and all subsequent amended and supplemental Petitions filed herein) pursuant to Rule 92 of the Texas Rules of Civil Procedure and demands strict proof thereof by a preponderance of the evidence or by clear and convincing evidence as the law requires.

## **CLAIMS SUBJECT TO ARBITRATION AGREEMENT**

2. In filing Defendants' Original Answer and Affirmative Defenses, Defendants do not waive their contractual right to arbitration. The claims asserted in Plaintiff's Original Petition are subject to a binding arbitration agreement and Defendants are hereby invoking its right to arbitration.

## **AFFIRMATIVE DEFENSES**

Without conceding that the following are affirmative defenses for which Defendants bear the burden of proof, Defendants assert that:

3. Defendants **ALBERTSONS COMPANIES, INC; ALBERTSONS, LLC; RANDALLS FOOD MARKETS, INC.; RANDALL PROPERTIES, INC., AND SAFEWAY, INC., d/b/a TOM THUMB** are not proper parties. None of these parties owned, occupied and/or maintained the premises on which Plaintiff's alleged incident occurred at the time the incident is alleged to have happened. These Defendants did not employ Plaintiff on the date of her alleged injury. None of these parties owed a duty to Plaintiff. Plaintiff was employed by Randall's Food & Drugs, LP.

The proper party, Randall's Food & Drugs LP, asserts that:

4. Plaintiff was in the normal course of routine employment matters at the time of Plaintiff's alleged injury, if any, and the incident was not foreseeable to Defendant.

5. Plaintiff was injured, if at all, while performing the same character of work Plaintiff had always done, which was not unusually precarious.



6. Plaintiff was injured, if at all, after receiving proper training.

7. Any supposed hazard at issue in the incident was open and obvious.

Defendant owed no duty to Plaintiff as to open and obvious hazards.

8. Plaintiff's acts and omissions under all the attendant circumstances were the sole proximate cause of injuries or damages alleged to have been sustained by Plaintiff.

9. As a result of Plaintiff's claimed accident and injuries, Plaintiff may have received medical and/or other benefits from Defendant's self-funded occupational injury ERISA plan. Defendant, on behalf of its plan, is entitled to reimbursement of the costs of the benefits, if any, provided to Plaintiff in the unlikely event Plaintiff recovers monetary damages from Defendant in connection with Plaintiff's claim.

10. To the extent Plaintiff seeks punitive or exemplary damages, Defendant relies upon the limitations and other provisions of Chapter 41 of the Texas Civil Practice & Remedies Code.

11. Any award of pre-judgment interest for damages that have not yet accrued would violate Defendant's rights to substantive and procedural due process under the Fifth and Fourteenth Amendments to the United States Constitution, as well as Article I, Sections 14, 16, and 19 of the Texas Constitution.

12. Defendant pleads further that any recovery of medical expenses or health care expenses allegedly incurred by Plaintiff, is limited to the amount actually paid or incurred by or on behalf of Plaintiff, if any, pursuant to Tex. Civ. Prac. & Rem.

Code §41.0105. Defendant respectfully requests Plaintiff's award, if any, be computed in accordance with the language of Section 41.0105 of the Texas Civil Practice and Remedies Code. Defendant also requests Plaintiff prove (1) that reasonable and necessary medical or healthcare expenses do exist, (2) what part of the medical or healthcare expenses have actually been paid or for which Plaintiff remains liable; and (3) the medical or healthcare expenses claimed resulted from conduct of Defendant.

**OBJECTION AND/OR RESEVATION TO OBJECT  
TO PROPER NOTICE PURSUANT TO TEX. R. CIV. P. 193.7**

To the extent Plaintiff purports to invoke Texas Rule of Civil Procedure 193.7 or any similar rule, Defendant objects to its timeliness as discovery has not yet been exchanged and Plaintiff cannot, in good faith, provide proper notice that Plaintiff will use documents produced by Defendant against it. Defendant further disputes that its deadline to object, pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule, to the authenticity of a document Defendant may produce in the future is triggered by any notice contained in Plaintiff's petition. Defendant does not waive, and reserves the right, to object to documents later identified with specificity by Plaintiff in any future notice pursuant to Texas Rule of Civil Procedure 193.7 or any similar rule.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants pray Plaintiff take nothing by her suit, that Defendants be dismissed from this action, awarded court costs and for such other and further relief to which Defendants may be justly entitled.

Respectfully submitted,

By: /s/ **Trek Doyle**

Trek Doyle

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*ATTORNEYS FOR DEFENDANT*



Doyle & Seelbach

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 18<sup>th</sup> day of March 2022.

Gabriel A. Gonzalez

State Bar No. 24103735

Schechter, Shaffer & Harris, LLP

3200 Travis, 3<sup>rd</sup> Floor

Houston, Texas 77006

713.524.3500 telephone

866.757.1011 fax

ggonzalez@smslegal.com

*Attorneys for Plaintiff*

**EXHIBIT A****Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

William Templeton on behalf of Trek Doyle  
 Bar No. 790608  
 bill@doyleseelbach.com  
 Envelope ID: 62759958  
 Status as of 3/21/2022 8:09 AM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Gabriel Gonzalez	24103735	ggonzalez@smslegal.com	3/18/2022 5:05:24 PM	SENT

Associated Case Party: THERANDALLS FOOD & DRUGS LP

Name	BarNumber	Email	TimestampSubmitted	Status
Trek Doyle		trek@doyleseelbach.com	3/18/2022 5:05:24 PM	SENT
Ryan Hecht		ryanh@doyleseelbach.com	3/18/2022 5:05:24 PM	SENT
Bill Templeton		bill@doyleseelbach.com	3/18/2022 5:05:24 PM	SENT